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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,040	04/02/2004	Jordan L.K. Schwartz	MSFT122099	2243
26389	7590	09/12/2007		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER SALOMON, PHENUEL S	
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/817,040	SCHWARTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phenuel S. Salomon	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to the amendment file on June 12, 2007.
2. Claims 1, 12, 17, 20 and 21 are amended and claims 1-21 are pending.
3. The previous objections to claims 20 and 21 under 37 CFR 1.75(c) have been withdrawn in view of the amendment.
4. Applicant's arguments with respect to claim 1, 12, 17, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.
5. The rejection of claims 1, 11, and 20 under 35 U.S.C. 102(b) as being anticipated by Smith (US 5,721,853) has been withdrawn pursuant to the applicant's argument.

### ***Specification***

6. The disclosure is objected to because of the following informalities: for example, the examiner notes on page 8, lines 6 and 14: "...As is illustrated in Figure...."  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2178

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,721,853) in view of Gargi (US 6,915,489 B2).

Claim 1: Smith discloses a method, comprising:

sensing the presence of an indicator in a vicinity of an icon having associated thumbnail data representative of content of an associated object (col. 4, lines 45-51), but does not explicitly disclose

rendering a view of at least a portion of the thumbnail data, the view rendered in the vicinity of the icon. However Gargi discloses a cursor in contact with an image triggers the display of file information regarding the image and the information associated with..” (col. 5, lines 40-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Gargi’s file information display in Smith. One would have been motivated to do so in order to reduce the tediousness of browsing through the display information of memory-stored items; such as image either files from a photograph library or opened computer desktop windows.

Claims 12 and 17 are rejected under the same rationale as in claim 1.

Claim 2: Smith and Gargi disclose a method as in claim 1 above, Smith further discloses pre-caching thumbnail data associated with at least one icon (col. 2, lines 46-47) [a user interface navigational metaphor that is always available to the user].

Claim 3 & 14: Smith and Gargi disclose a method as in claim 2 above and claim 13 below, Smith further discloses pre-caching the thumbnail data includes storing the thumbnail data in volatile memory (fig. 1) [a computer system with a memory device].

Claim 4: Smith and Gargi disclose a method as in claim 2 above, Smith further discloses rendering includes retrieving the pre-cached thumbnail data associated with the icon (col. 4, lines 49-51) [moving the pointer into the area defined by GDE will cause the collar to be displayed].

Claim 5: Smith and Gargi disclose a method as in claim 4 above, Smith further discloses rendering of the view occurs substantially immediately after sensing the indicator (fig. 2 & 3a) [an icon is being displayed immediately after hovering a mouse pointer over GDE].

Claim 6: Smith and Gargi disclose a method as in claim 2 above, Smith further discloses thumbnail data associated with a plurality of icons are pre-cached (fig 3a) [movement of the mouse pointer into the quadrant labeled "Tool Bar" results in the display of a secondary interface].

Claim 7: Smith and Gargi disclose a method as in claim 6 above, Smith further discloses number of icons that include thumbnail data being pre-cached is a predetermined number of icons (fig. 3a). [a plurality of icons being displayed].

Claim 8: Smith and Gargi disclose a method as in claim 7 above, Smith further discloses the predetermined number of icons is a predetermined number of icons located in an area situated in the region of the icon the indicator is in the vicinity of (fig. 3a) [a plurality of icons being displayed in the vicinity of the mouse pointer].

Claim 9: Smith and Gargi disclose a method as in claim 8 above, Smith further discloses predetermined number of icons is greater than one icon and less than a total number of icons viewable within an environment the icon is displayed in (fig. 3a) [a plurality of icons being displayed are greater than one icon].

Claim 10: Smith and Gargi disclose a method as in claim 7 above, Smith further discloses predetermined number of icons is the number of icons having associated thumbnail data viewable within an environment the icon is displayed in (fig. 3a, item 302d) [a plurality of icons being displayed with associated data].

Claim 11: Smith and Gargi disclose a method according to claim 1 above, Smith further discloses the view rendered is rendered within a window displayed in a graphical user interface (see fig. 2).

Claim 13: Smith and Gargi disclose a method as in claim 12 above, Smith further discloses pre-caching includes pre-caching thumbnail data associated with at least a plurality of icons, the pre-cached thumbnail data being available for substantially instantaneous rendering at the moment the indicator is hovered substantially over one of the plurality of icons having associated pre-cached thumbnail data (fig. 2 & 3a) [an icon being displayed immediately after hovering a mouse pointer over GDE].

Claim 15: Smith and Gargi disclose a method as in claim 13 above, Smith further discloses only thumbnail data for icons currently displayed in an operating environment are pre-cached (fig. 3a, item 302d) [a plurality of icons being displayed].

Claim 16: Smith and Gargi disclose a method as in claim 13 above, Smith further discloses only thumbnail data for a predetermined number of icons are pre-cached (fig. 3a) [a plurality of icons being displayed].

Claim 18: Smith and Gargi disclose a system as in claim 17 above, Smith further discloses arrangement that includes a volatile memory for pre-caching the thumbnail data (fig. 1) [display device and memory].

Claim 19: Smith and Gargi disclose a system as in claim 18 above, and Smith further discloses a computer system in (fig. 1).

Claims 20 and 21: Smith discloses a computer-readable medium having instructions stored thereon that direct a computing system to:

sense the presence of an indicator in a vicinity of an icon having associated thumbnail data representative of content of an associated object (col. 4, lines 45-51), but does not explicitly disclose

render a view of at least a portion of the thumbnail data, the view rendered in tile vicinity of the icon. However Gargi discloses a cursor in contact with an image triggers the display of file information regarding the image..” (col. 5, lines 40-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Gargi’s file information display in Smith. One would have been motivated to do so in order to reduce the tediousness of browsing through the display information of memory-stored items; such as image either files from a photograph library or opened computer desktop windows.

### ***Response to Arguments***

8. Applicant’s arguments filed on 06/12/2007 have been fully considered but they are moot in view of new ground (s) of rejection.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Gargi (US 6,915,489 B2) discloses image browsing using cursor positioning.
  - b. Kobayashi et al. (US 6,938,215 B2) discloses display apparatus and methods, and recording medium for controlling same.
  - c. Jaaskelainen, Jr. (US 5,835,088) discloses method and apparatus for providing programmable window-to-window focus change within a data processing system using GUI.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272 4124. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS  
8/28/2007

  
Stephen Hong  
Supervisory Primary Examiner